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British Virgin Islands

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Contents

		Paragraphs	*Page*
I.	Background information	1–2	3
II.	Constitutional, political and legal issues	3–15	3
III.	Budget	16	6
IV.	Economic conditions	17–35	6
	A. General	17–21	6
	B. Agriculture, fisheries and shipping	22–24	7
	C. Construction planning and development	25–27	7
	D. Tourism	28–29	8
	E. Financial services	30–32	8
	F. Transport and communications	33–35	9
V.	Social conditions	36–59	10
	A. General	36–37	10
	B. Labour	38	10
	C. Education, youth and sports	39–44	10
	D. Public health	45–50	11
	E. Public works	51–53	12
	F. Crime and public safety	54–59	13

07-25973 (E) 260307

VI.	Environment	60–61	14
VII.	Relations with international organizations and partners	62–69	14
	A. United Nations system	62–65	14
	B. Regional organizations and other partners	66–69	14
VIII.	Future status of the Territory	70–76	15
	A. Position of the territorial Government	70	15
	B. Position of the administering Power	71–72	15
	C. Action by the General Assembly	73	16

I. Background information

1. The British Virgin Islands[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory is located about 100 kilometres east of Puerto Rico and 25 kilometres from the United States Virgin Islands. The Territory comprises an area of 153 square kilometres, a group of some 50 islands, islets and cays that form an archipelago with the United States Virgin Islands, scattered over some 3,445 square kilometres of sea.[2] Twenty of the islands are inhabited. The capital city, Road Town, is located on the largest island, Tortola. The other major islands are Virgin Gorda, Anegada and Jost Van Dyke. As of July 2006, the population of the Territory was estimated at 23,098.[3]

2. The earliest known inhabitants of the Territory were the Arawaks and the Caribs, indigenous people of the region. The Dutch established the first permanent European settlement on the islands in 1648. In 1666, British planters took control of the islands and the Territory attained the status of a British colony. The planters were granted civil government, constitutional courts, an elected House of Assembly and a partly nominated Legislative Council, which first met in 1772. In 1872, the islands became part of the Federation of the Leeward Islands. In the 1930s and 1940s, British Virgin islanders demanded greater self-governance, which led to the Territory becoming a separately administered colony in 1956.

II. Constitutional, political and legal issues

3. The British Virgin Islands Constitution, formulated with local input, was adopted in 1967 and amended in 1976 and 2000.[3] It is currently being renegotiated.

4. The administering Power appoints a Governor with responsibilities for defence, internal security, external affairs, public service and the administration of the courts; the Governor retains legislative powers as necessary to exercise special responsibilities. The Executive Council consists of the Chief Minister (appointed by the Governor from among the elected members of the unicameral Legislative Council), who has responsibility for finance, three ministers (appointed by the Governor on the advice of the Chief Minister) and one ex officio member (the Attorney General). The Governor is the Chairman of the Executive Council and must consult with it in the exercise of his duties. The Legislative Council consists of a Speaker, the Attorney General as an ex officio member and 13 elected members (9 members from one-member electoral districts and 4 members representing the Territory at large).

5. There are four political parties in the Territory: the Virgin Islands Party (VIP), founded in 1971;[4] the United Party (UP), founded in 1966;[5] the Concerned Citizens' Movement (CCM), founded in 1994 as a successor to the Independent People's

[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[2] See www.thecommonwealth.org; www.redensigngroup.org.

[3] See www.cia.gov/cia/publications/factbook.

[4] See www.viparty.com.

[5] See www.islandsun.com/crono71498.html.

Movement; and the National Democratic Party (NDP), founded in 1998.[6] General elections must be held at least once every four years. Candidates are elected based on a simple majority. Persons voting must be 18 years of age or over and have "belonger status", a term which the Constitution applies to a person deemed to belong to the Territory. It is estimated that some 45 per cent of the population has "belonger status", which includes the right to work without a permit and the right to vote. As was reported in previous working papers, the British Overseas Territories Act 2002 granted the right of full British citizenship to all inhabitants of its Territories.[7]

6. At the last general elections, which were held in 2003, NDP won 8 of the 13 seats on the Legislative Council and subsequently formed the Government with Orlando D. Smith as Chief Minister. The next general election is scheduled to be held in September 2007.

7. The Governor of the British Virgin Islands, David Pearey, took office on 18 April 2006.

8. The law of the British Virgin Islands comprises common law of England, locally enacted legislation, and imperial legislation. Justice is administered by the Eastern Caribbean Supreme Court, based in Saint Lucia, which consists of two divisions: the High Court of Justice and the Court of Appeal. There are two resident High Court Judges, and a visiting Court of Appeal, which comprises the Chief Justice and two judges of appeal and sits twice a year in the Territory. There is also a Magistrate's Court, which hears prescribed civil and criminal cases, as well as a Juvenile Court and a Court of Summary Jurisdiction. The United Kingdom Privy Council is the final court of appeal.

9. As previously reported,[7] in response to a decision in 2001 by the United Kingdom Government to invite Territories to review their respective Constitutions, in April 2004 the Chief Minister of the British Virgin Islands launched a nine-member Constitutional Review Commission.[7] The Commission completed its work and presented the report of the Constitutional Commissioners in 2005. The report was received by the Executive Council.[8]

10. The enactment of changes recommended by the Constitutional Review Commission was to be negotiated between the Government of the Territory and the United Kingdom Foreign and Commonwealth Office, and required the approval by the United Kingdom Privy Council.[9] In February 2006, a constitutional negotiating team was named to represent the Territory in discussions with the United Kingdom.[7]

11. Constitutional negotiations between the British Virgin Islands and the United Kingdom commenced in March 2006 and continued in June and October, dealing with core issues such as the role and responsibilities of the Governor, duties of the Attorney General, inclusion of a chapter on human rights in the Constitution, the establishment of a Cabinet system of government and the establishment of a National Security Council. In the course of the year, several public meetings were held on proposed fundamental human rights provisions. Moreover, it is expected that the negotiations will resolve whether the Governor will still remain as

[6] *The Island Sun*, 26 September 2003.

[7] See A/AC.109/2006/12.

[8] Information transmitted by the administering Power, 8 January 2007.

[9] The Economist Intelligence Unit, *Country Report*, December 2005 (www.eiu.com).

Chairman of the Executive Council; the police and the civil service will be removed from under the jurisdiction of the Governor; the Deputy Governor will become the head of the civil service; the post of Solicitor General will be a constitutional post; and the Attorney General should still sit in the Executive Council.[10]

12. In connection with these negotiations, the Chief Minister said, in his June 2006 State of the Territory address, that "our amended Constitution will ... establish[ing] a more appropriate balance of authority between the United Kingdom and our local Government."[11]

13. Kedrick Pickering, representative of the Chief Minister of the British Virgin Islands at the United Nations Pacific regional seminar on decolonization, held in Yanuca, Fiji, from 28 to 30 November 2006, shared information on the aforementioned negotiations with the participants. Mr. Pickering informed the seminar about the high level of engagement of all parties in the constitutional reform process under way and the progress made with the administering Power in that regard. The territorial Government's efforts essentially focused on decreasing the power vested in the Governor and on promoting conditions for good governance. In addition, he noted, the consultations carried out in the context of the constitutional process had clearly shown that in the British Virgin Islands there was no interest in seeking independence. In that connection, Mr. Pickering noted that the Caribbean Territories administered by the United Kingdom were doing extremely well, and that many among their populations questioned whether there was anything to be gained from becoming independent. He then went on to say that, against the backdrop of that new dynamic, it might be time for the Special Committee of 24 to rethink the concept of "self-determination" and to broaden the three options contained in resolution 1541 (XV) to include other alternatives, for certain Territories and on a case-by-case basis.

14. A draft text of the new Constitution is expected to be ready for the constitutional negotiating team's next round of talks with the United Kingdom in early 2007.[8] According to the media, the final round of talks is to take place from 26 February to 2 March 2007. In February 2007, the Chief Minister and the Deputy Chief Minister went to London for constitutional negotiations with the United Kingdom Government.[12]

15. On 1 March 2007, Chief Minister Orlando Smith, speaking in London at the end of the fourth round of constitutional talks with a United Kingdom delegation headed by Lord Triesman, said the Territory's negotiating team had achieved 95 per cent of the proposals for a modern constitution for the people of the British Virgin Islands. The new constitution would include a human rights charter. On the issue of a Cabinet system of government, the Chief Minister said that while the British Virgin Islands team recognized that the Governor should still be a member of the Cabinet, the United Kingdom team agreed that there should be a sharing of responsibility. For instance, setting the agenda of the Cabinet (currently the Executive Council) would no longer be the province of the Governor alone. It was agreed that the Premier would set the agenda of the Cabinet, and the exercise of that

[10] See www.caribbeannetnews.com, 12 September and 26 October 2006; information transmitted by the administering Power, 8 January 2007; www.caribbeannetnews.com, 24 January 2007.

[11] Chief Minister Orlando Smith, OBE, 3rd annual State of the Territory address, 21 June 2006 (see http://dpu.gov.vg).

[12] See www.caribbeannetnews.com, 24 January 2007.

power would not be subject to the veto of the Governor or any other person. Moreover, the Chief Minister said that he was satisfied with the decision that there would be a sharing of responsibilities in the areas of external affairs and internal security through the establishment of a National Security Council. The Council would comprise senior Government members, as well as the Governor, who would oversee all matters relating to the police and security. For the first time, the Government of the British Virgin Islands would have a direct say in how the Territory is policed, and the Governor would be obliged to act on the advice of the Council.[13]

III. Budget

16. On 7 November 2006, the Minister of Finance, Ronnie W. Skelton, delivered the territorial Government address on the budget for 2007 to the Legislative Council. Quoting from the Foreign and Commonwealth Office and the Oxford Policy Management annual economic update report for 2006 on the British Virgin Islands, dated September 2006, the Minister said that the public sector finances were strong. The Government of the British Virgin Islands expected a recurrent surplus of nearly $30 million in 2006, most of which would be contributed to capital expenditure. The Government was in control of its debt situation, well within the guidelines agreed with the United Kingdom Government. The 2006/07 budget, over $254 million, from taxes and fees, would be devoted to meet the needs of a modern economy, particularly in the areas of infrastructure, transportation, telecommunications, electricity, water and sewage, ports and postal service.[14]

IV. Economic conditions

A. General

17. The economy of the Territory is based on tourism and offshore financial services, which contribute more than 70 per cent of the gross domestic product (GDP).[15] The currency used in the British Virgin Islands is the United States dollar.[16]

18. In his State of the Territory address given on 21 June 2006, the Chief Minister stated that the economy of the British Virgin Islands was growing more quickly than at any time in the Territory's 50-year history. The rise in GDP and the per capita income in 2005 of over $37,000 put the British Virgin Islands at the forefront of the entire eastern Caribbean.[11] The Chief Minister further stated that, in the foreseeable future, the Territory's economic strength would continue to depend on services provided competitively, particularly in the tourism and financial services sectors. The Territory's economic base beyond tourism and financial services had to include thriving small businesses owned by local people. To increase efficiency in the public sector, the Chief Minister called for a new culture of productivity.

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[13] See www.caribbeannetnews.com, 1 March 2007.

[14] See www.dpu.gov.vg.

[15] See www.bvi.org.uk/british_virgin_islands.asp.

[16] See www.bvi.org.uk, facts and figures.

19. The local private sector would be supported and strategies explored to create jobs in high-paying professional service industries other than financial services, such as customer service centres, high-tech research facilities and other value-added functions, and to create a more stable flow of visitors tapping into new markets like medical tourism, sports tourism and ecotourism in unique ecosystems such as in Anegada.[11]

20. Speaking on 7 November 2006 to the Legislative Council, the Minister of Finance noted that in 2005 the British Virgin Islands recorded growth of 5.75 per cent of GDP and projected a growth rate for 2006 of approximately 7.2 per cent of GDP.[14]

21. As previously reported, the principal trading partners of the Territory are the United States of America, Puerto Rico, countries members of the Caribbean Community (CARICOM) and the United Kingdom. Imports consisted mostly of food, machinery and fuel.[7]

B. Agriculture, fisheries and shipping

22. Agriculture and fishing account for just 1.1 per cent of GDP, and most food requirements are imported. Around 800 hectares are under cultivation and 4,000 hectares in pasture. The main crops are fruit and vegetables, which are produced both for local consumption and for export to the United States Virgin Islands. Fishing mainly serves the local market.[17]

23. The two main types of fisheries in the Territory are small-scale (commercial) and recreational fisheries. There is also the offshore longline pelagic fishery with only one longline vessel in operation. Commercial fisheries comprise about 300 boats, with 50 per cent of the fishers owning their fishing gear. Most fishers market their own catch at various places within the Territory, with an appreciable number of them selling their catch directly to hotels and restaurants and a small number to the British Virgin Islands Fishing Company.[18]

24. The Virgin Islands Shipping Registry has been launched as a new department of the territorial Government, which will enable the registration of larger vessels, "category one" of the Red Ensign Group.[19] Furthermore, according to the Chief Minister, the British Virgin Islands Community College began in 2005/2006 offering training for people interested in becoming sea captains of commercial ferry vessels.[11]

C. Construction planning and development

25. Physical planning in the British Virgin Islands is governed by the Physical Planning Act of 2004, which was enacted in 2005. Authority is vested in the Chief Minister and the Planning Authority. The Town and Country Planning Department is

[17] The Economist Intelligence Unit (see www.eiu.com), 16 October 2006.

[18] *FAO Fisheries Report No. 729*, Food and Agriculture Organization of the United Nations, Subregional Office for the Caribbean, Rome, 2004.

[19] See www.caribbeannetnews, 4 October 2006.

the operative arm of both the Ministry and the Planning Authority. All development in the Territory requires approval from the Planning Authority.

26. A territorial plan documents developed areas in the Territory, with the aim of determining land use activities and identifying undeveloped areas. At present, there are 17 local area plans that portray existing conditions with statistics, maps using geographic information systems data, and development options covering a range from mixed use development, resort residential development, agricultural lands, mega yacht facilities, and designating safe places for jet skis use. Three additional local area plans are under preparation.

27. Critical issues the Authority must contend with are parking arrangements, improper hillside development, sedimentation and land use compatibility. During the period under consideration, the Inspectorate served over 20 compliance notices and had three cases going before the court. On average, the Authority processes 350 development, 170 subdivisions and approximately 30 other applications in a given year.[8] Information on related action taken by the Government can be found below in section V, under public works.

D. Tourism

28. Rich vegetation, unspoiled beaches, yachting marinas and fine coral reefs make the British Virgin Islands a natural tourist destination. "High-end" tourism continues to be an important economic sector for the Territory, which accounts for about 45 per cent of its income.[15] There were 205,148 stopover tourist arrivals in the first half of 2006, an increase of 2.2 per cent over the previous year. Cruiseship passenger arrivals rose by 6.1 per cent, to 276,525.[20]

29. Working to ensure that the tourism sector will continue to draw the high-end traveller who makes the Territory's industry thrive, according the Chief Minister, the Government signed development agreements with major investors and assigned a liaison officer in the Chief Minister's Office to oversee their implementation. The aforementioned Town and Country Planning Department plays a major role in implementing the agreements by facilitating the review and approval process. Moreover, under the leadership of the Tourist Board, international tourism marketing efforts were being overhauled and investment in tourism facilities continued, including at Brandywine Beach.[21]

E. Financial services

30. The provision of international financial services is the second pillar of the economy of the British Virgin Islands. Fees from these services bring in more than half of the Government's revenue. The British Virgin Islands was one of the first Territories to adopt legislation allowing registration of international business companies.

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[20] See www.eiu.com, *Country Report*, December 2006.

[21] Chief Minister Orlando Smith, 3rd annual State of the Territory address, 21 June 2006 (see http://dpu.gov.vg); information transmitted by the administering Power, 8 January 2007.

31. According to the Chief Minister, the British Virgin Islands was first in the world in the area of company registration, with some 57,000 new companies registered in 2005; the world's second leading domicile for hedge funds, with more than 2,000 funds operating from within the Territory; and the world's fourth leading captive insurance domicile. To promote this sector further, the Territory's "road show" programme visited Geneva, Zurich, Hong Kong and Shanghai. At the same time, the Government worked to encourage more islanders to enter the sector; motivate students to train in it; and ensure that local legislation continues to meet international standards and protect the integrity of the jurisdiction.

32. Moreover, in 2005-2006, a new International Affairs Secretariat was established to help the financial services sector of the British Virgin Islands build relationships with leaders and institutions around the world, represent the interests of the Territory in international forums, and provide Government with early-warning on related international developments.[11]

F. Transport and communications

33. The British Virgin Islands has approximately 201 kilometres of surfaced roads.[22] Direct shipping services operate from the United Kingdom, the United States of America and the Netherlands. A deepwater harbour exists in Road Town. Regular ferry service links Tortola with some of the other islands and with St. Thomas of the United States Virgin Islands. There are three international airports in the British Virgin Islands. Fifteen airlines serve the Territory.

34. Major road improvement projects from Anegada to Jost Van Dyke were being carried out in 2006, including the construction of an alternate road from MacNamara to Joe's Hill, the surfacing of unpaved roads on Anegada and the completion of repair work across the Territory stemming from the rains three years ago. The airport on Virgin Gorda operated under a conditional licence and work was under way on a seaplane facility at Gun Creek. A comprehensive development plan for all the ports in the Territory was being implemented, starting with Virgin Gorda, where a new dock was being constructed.[11]

35. The British company Cable and Wireless provides basic telephone services in the Territory under a contract that will expire in 2007. Following the territorial Government's decision not to renew its exclusive licence and to promote a competitive market, the Territory's telecommunications system is being modernized. The Legislative Council voted into law the Telecommunications Act of 2006. Concerns about the telecoms reform exercise were expressed and, in the view of the Chief Minister, addressed so as to neither enrich nor harm any existing telecoms providers and to protect the consumer. The British Virgin Islands is the only Territory in the Caribbean to have a telecommunications company owned by the people.[11]

[22] See www.eiu.com, Country Profile, 16 October 2006.

V. Social conditions

A. General

36. Public assistance is provided for those who need it through the Social Security Board, a statutory body that falls under the Ministry of Finance. It provides for sickness and maternity benefits, as well as pensions. According to the administering Power, the Social Development Department has a number of programmes, which include Elderly and Disability Services, Family and Children Services, Rainbow Children's Home, Social and Legal Aid, and Community Development. For instance, during 2005-2006, a new senior citizens' centre in Road Town was completed. Work on the centre in Cane Garden Bay was continuing, with the hope to complete it by mid-2007.[11]

37. In his 2006 annual address, the Chief Minister stated that, from 1991 through 2001, the population grew by 38 per cent. Immigration from around the region and the world required a controlled process that is orderly, dignified and fair. The first comprehensive immigration reform in a generation had been passed and was to be complemented, in the coming year, with a new labour code, which would ensure that the needs of the economy are met and the legitimate rights of all are preserved.[11] At the same time, steps are being taken to increase surveillance operations; introduce holographic work permit IDs; and tighten the Territory's visa requirements.[23] A visa regime for Jamaican nationals will become effective in April 2007.[24]

B. Labour

38. The labour force of 15,518 workers (2004) is engaged primarily in tourism (25 per cent), government employment (21 per cent) and construction (10 per cent).[25] According to the Government Development Planning Unit, the unemployment rate in the British Virgin Islands was 3.56 per cent for the period 1999-2004.[22]

C. Education, youth and sports

39. Education is free and compulsory in the British Virgin Islands for children between the ages of 5 and 11 years. There are 18 public and 11 private primary schools in the Territory, on Tortola, Anegada, Virgin Gorda and Jost Van Dyke. Secondary education, "A" level (from 12 to 16 years), is also free. There are three high schools (one private and two public). In 2006, a new high school was being constructed at Paraquita Bay.[11] There is a community college at Road Town, the H. Lavity Stoutt Community College, which as of 2006/07 has offered free tuition.[26]

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[23] See www.caribbeannetnews.com, 12 October 2006, 29 November 2006 and 21 February 2007; BBC CARIBBEAN.com, 10 January 2007.

[24] See www.islandsun.com, 7 February 2007; www.caribbeannetnews.com and www.dgo.gov.vg, 23 February 2007.

[25] See http://www.dpu.gov.vg/Indicators/tourism/TourismSummary.html.

[26] See www.caribbeannetnews.com, 4 August 2006.

40. The United Kingdom announced that citizens from the Overseas Territories will benefit from next year (2007) from the home student fee rate at English universities.[27]

41. Under the "national curriculum project", substantial modernization of the educational system is an ongoing process that includes the revision of teaching materials and teacher training,[11] as well as newly established partnerships between colleges and universities on a regional and international basis.[28] Major steps comprise the increase by 50 per cent of British Virgin Islands scholarship grants for higher degrees abroad[11] and the supply of new computers to every school in the Territory under the computerization programme.[11] Language arts, mathematics and integrated science materials are currently being field-tested and the educational standards for the remaining subjects are to be elaborated.[8]

42. The Department of Youth Affairs and Sports, which will celebrate its third anniversary in May 2007, works with sports organizations to improve their capacity in administration, event-hosting, fund-raising, international networking and athlete development. Major achievements of the Department are the publication of the first official BVI Youth Magazine, *The Buzz BVI*, which aims to foster cultural and historic awareness; and partnering with stakeholders to host the first ever BVI Territorial Youth Games in May and the first ever BVI Youth Achievements and Recognition Awards Programme in June of 2007. Furthermore, the Department plans to launch a youth-oriented television programme in early 2007.[11]

43. In terms of legal developments, the Children and Young Persons Act of 2005, providing for the protection of children and young persons and for related matters, entered into force on 1 November 2006.[11]

44. By mid-2006, British Virgin Islands had opened its first public tennis court, and nearly completed the A. O. Shirley Recreation Grounds. The Grounds are currently in the process of being certified as international track and field locations.[11]

D. Public health

45. The territorial Government is the major provider and source of funding of health services. The Territory has one 44-bed public hospital (Peebles Hospital), one referral health centre at Road Town and a network of 10 district clinics, as well as two health posts. Private health care is provided by one hospital (Bougainvillea Clinic), three dental surgeries, and four medical complexes, of which three are located on Tortola and one on Virgin Gorda.

46. During 2005-2006, the construction of the hospital annex was completed and the first CAT scan machine was installed with the support of the Social Security Board. Work on a new helipad was completed, and a $63.9 million contract to build a new public hospital was signed.[29]

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[27] See www.fco.gov.uk, 23 November 2006, Lord Triesman, Overseas Territories Minister, eighth meeting of the Overseas Territories Consultative Council (OTCC) on 21 and 22 November 2006.

[28] See www.bbc.co.uk/caribbean/news, 21 November 2006; eighth meeting of the Overseas Territories Consultative Council on 21 and 22 November 2006; see www.fco.gov.uk, 23 November 2006.

[29] Information transmitted by the administering Power, 15 January 2007; see also www.caribbeannetnews.com, 19 and 24 January 2007.

47. Furthermore, work began with a team of experts from the University of the West Indies to build a national health insurance programme.[11] A feasibility study for its development was commissioned in 2006, and the insurance programme is currently being designed. Improvements in the regulatory framework are also expected.[30]

48. Some 53 physicians actively practiced in the territory during 2005, of which 31 are employed in the public sector and 22 in the private sector. Eighty-two physicians in total were registered to practice in the British Virgin Islands during the reporting period. The public/private ratio for the registered seven dentists in the British Virgin Islands is 1:6. For the registered 119 nurses the ratio is 107:12.[31] According to the administering Power, health services are almost entirely financed from the Consolidated Fund.[7]

49. In accordance with the 1976 Public Health Act, which is the statutory framework for protecting and promoting the population's health, Government health services are provided free at the point of use to certain groups, such as full-time schoolchildren, nursing mothers, the elderly, the mentally ill, health workers, firefighters, the police, prisoners and prison officers. In 2005, the British Virgin Islands Health Services Authority Act was passed, establishing the British Virgin Islands Health Services Authority Board, which manages all public health-care delivery services.[31]

50. In terms of disease conditions at the end of 2006, 82 AIDS-infected persons have been reported to the Ministry of Health and Social Development. Twenty-seven persons have died. There are 55 persons between the ages of 19 and 66 years residing in the British Virgin Islands with the HIV infection. The male to female ratio, which was 2:1 over the past years, was found to be 1:1. The predominant mode of transmission of the disease was thought to be heterosexual transmission. Through vigorous negotiations and interventions by the national HIV/AIDS programme, antiretroviral therapy, although not free of charge, is currently much more accessible and affordable to persons living with HIV/AIDS than in previous years. Moreover, chronic non-communicable diseases, mainly diabetes and hypertension, contribute significantly to morbidity and mortality of adults.[31]

E. Public works

51. Economic growth requires certain basic conditions in the British Virgin Islands, which, according to the Chief Minister, have to be met, including the basic utilities of water and electricity. For instance, as electrical supply continued to be a serious problem, the BVI Electricity Corporation was authorized to purchase a set of four new engines. Also, improvements to the water and sewerage system moved forward, including the installation of over 3,500 feet of sewers and house connections in the East End/Long Look area alone, for which the purchase of a new sewage treatment plant had been approved. Further improvements were being made to the sewer system in Road Town and throughout the Territory.[11]

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[30] Information transmitted by the administering Power, 15 January 2007; see also www.caribbeannetnews.com, 17 January 2007.

[31] Information transmitted by the administering Power, 15 January 2007.

52. As previously reported, the Water and Sewerage Department of the Territory has about 8,000 customers who are provided water from 10 active reservoirs and 8 desalination plants. The plants are owned by three private companies, from which the Government buys the water.[7]

53. A new desalination plant on Anegada was 50 per cent complete by mid-2006. Moreover, the Government intended to move forward with comprehensive legislation to govern the Territory's water and sewerage systems.[31]

F. Crime and public safety

54. During the early 2000s, the increased level of crime in the Territory became a matter of concern and, at the beginning of 2005, was brought to the attention of the Legislative Council. The subsequent discussion brought to light the inadequacy of the legal framework, law enforcement and criminal justice system in the Territory.

55. Against the backdrop of recent legislative efforts to improve the Territory's approach to young offenders, the Youth Courts Act of 2005 came into force on 1 November 2006.[32] In this connection, Youth Courts Order No. 85 of 2006, under section 2(1) of the Youth Courts Act, was issued by the Executive Council on 1 December 2006, establishing Youth Courts in the islands of Tortola, Virgin Gorda, Anegada and Jost Van Dyke. It identified the places and the time of the sittings and the basic constitution of the Youth Court. A panel of five assessors was appointed and at least one assessor is to sit with the Magistrate at each sitting. The Order also revoked the Juvenile Court Order of 1962, and the Juvenile Courts (Places of Sittings) Order of 1971. The first sitting of the Youth Court was scheduled for January 2007 in Road Town and Virgin Gorda.

56. Moreover, the Criminal Justice Act of 2005, which entered into force on 1 November 2006, provides for the Executive Council to establish certain institutions, such as an attendance centre, a youth custody and training centre, a drug rehabilitation and after-care centre, and any other institution for the punishment and rehabilitation of offenders. Such institutions are expected to be operational in due course.

57. On a wider issue, the Anti-Discrimination Act of 2001, which makes discrimination unlawful on racial grounds and in other matters relating to the treatment of persons, came into force on 15 November 2006.[8]

58. In terms of law enforcement developments during 2005-2006, according to the Chief Minister, the Government put in place a seven-point plan for improved police protection to help eradicate violent crime from the Territory. That has led to a modest increase in arrests and a decrease in violent crime.[11]

59. In a joint statement the Governor and the Chief Minister said that ensuring the safety and security of the community is the highest priority of the Government, and presented a strategy to combat criminality, including personnel and other changes at the Royal Virgin Islands Police Force. Moreover, efforts to update the Police Act are under way.

[32] See www.caribbeannetnews.com, 6 December 2006.

VI. Environment

60. The environmental impact assessment requirement under the aforementioned Physical Planning Act of 2004 was applied to several development applications during the reporting period. Major projects included in the process were Scrub Island Development; Beef Island Development; Lambert Beach Development; and Smugglers Cove resort.[8] In a related public hearing, various, mostly environmental, concerns were expressed with regard to a large development envisaged in the British Virgin Islands.[33]

61. Furthermore, according to the Chief Minister, the British Virgin Islands was working in the period under review with counterparts from around the region to protect endangered species like the Leatherback Turtle. Also, state-of-the-art mapping technology to detect changes in the health of the marine ecosystems was being utilized, and an extensive public education campaign showing people how to contribute to a cleaner environment was carried out.[11]

VII. Relations with international organizations and partners

A. United Nations system

62. The British Virgin Islands enjoys associate membership in the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Economic Commission for Latin America and the Caribbean.

63. The National Commission for UNESCO continued its efforts with UNESCO in the areas of institution- and capacity-building.[34]

64. Postal codes are expected to be issued by the Universal Postal Union in conjunction with the British Virgin Islands Post Office (Amendment) Rules of 2006.[34] The British Virgin Islands postal codes were launched on 30 October 2006.[35]

65. United Nations system activities involving the British Virgin Islands, including on the applicability of International Labour Conventions and the International Labour Recommendations, are referred to in Economic and Social Council document E/2006/47.

B. Regional organizations and other partners

66. The Territory is an associate member of CARICOM and the Organization of Eastern Caribbean States (OECS). In November 2006, the British Virgin Islands hosted two OECS meetings dealing with the environment, one of which was held at the ministerial level.[36] The Territory is a borrowing member of the Caribbean Development Bank.

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[33] See www.virginislandsdailynews.com, 5 July 2006.

[34] See www.caribbeannetnews.com, 29 September 2006.

[35] See www.islandsun.com, 29 December 2006.

[36] See www.caribbeannetnews.com, 14 November 2006.

67. As a Non-Self-Governing Territory of the United Kingdom, the British Virgin Islands is associated with the European Union (EU) but is not a part of it.[37] The Territory is a signatory of agreements that provide for development assistance from the EU, on the basis of performance-based partnerships. The British Virgin Islands has yet to establish its relation to the EU Economic Partnership Agreement.

68. The territorial Government's International Affairs Secretariat coordinates efforts to strengthen the Territory's relationship with "BVI Friends", such as familiarization visits by parliamentarians from the United Kingdom in May 2006 and February 2007.[8]

69. The territorial Government's Department of Youth Affairs and Sports has partnered with regional and international agencies, including the Commonwealth Youth Programme, the Australian Caribbean Community Sports Development Programme, CARICOM and others to advance the performing arts, holistic health education, culture preservation, athletics, career development and skills training.

VIII. Future status of the Territory

A. Position of the territorial Government

70. The position of the territorial Government regarding the future status of the British Virgin Islands is reflected under section II on the ongoing constitutional negotiations, including information presented by the representative of the Chief Minister to the 2006 United Nations Pacific regional seminar on decolonization.

B. Position of the administering Power

71. In a statement made on 24 April 2006, while visiting the Turks and Caicos Islands, the Overseas Territories Minister, Lord Triesman, took stock of the relationship between the United Kingdom and the Overseas Territories seven years on from the 1999 White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories",[38] and reiterated the United Kingdom's approach as follows:

> "As the White Paper made clear, the United Kingdom will always be ready to help any Territory become independent where this is an option, and if that is the clear and settled will of the people. The United Kingdom has no desire for any Territory to remain British against its people's wishes. We have no continuing colonial objectives.
>
> "However, if the people of a Territory wish to retain the British link, then the United Kingdom will continue to honour its responsibilities for it. But I am, and I should be, answerable to the United Kingdom Parliament for the territories. As long as the United Kingdom retains those responsibilities, it

[37] See European Union publication entitled "Caribbean Economic Partnership Agreement", 2006.

[38] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999, by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

needs to be in a position where it can discharge them properly. And that means that the United Kingdom needs to retain a sufficient level of powers to do this.

"In this process, the Governor, who also represents the Territory to the United Kingdom Government, has a vital role. He or she must ensure, in partnership with the Territory Government, that high standards are maintained in key areas such as the public service, the police, the judiciary, finance, aviation and maritime security — indeed security generally — and human rights, in the interests of the peoples of the territory as a whole.

"In this context, it might be helpful if I set out the United Kingdom position on alternative forms of relationship, some of which I know have been discussed here in Turks and Caicos Islands in recent weeks. United Nations General Assembly resolution 1541 set out some options for the relationship between administering Powers and Territories, including independence, integration and free association. The United Kingdom did not vote in favour of that resolution, and does not regard itself as bound by it. Integration would mean the Turks and Caicos Islands or any of the other Territories becoming a full part of the United Kingdom, like the Isle of Wight. It would mean that the people of the Territory would have to pay United Kingdom taxes. And United Kingdom policy would apply in areas that have traditionally been the responsibility of the Territory Government; for example, education and health.

"I do not believe that this is an option that would find favour in the Territories. Nor does it in the United Kingdom. The option of free association is also unacceptable. As defined by the United Nations, it would mean the Territory drawing up its Constitution free from any outside involvement. The United Kingdom would retain all the responsibilities for the Territory, but would not be able to ensure that it had the powers to enable it to fulfil these responsibilities. Ministers answerable to Government in Westminster cannot, and should not, put themselves in that position. So our aim is to work for a relationship with the Territory Government which satisfies the needs of both sides."[39]

72. Moreover, in a statement made on 5 October 2006 before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-first session of the General Assembly, the representative of the United Kingdom said that the criteria used by the Special Committee of 24 in its deliberation on whether a Non-Self-Governing Territory should be "delisted" were outdated and failed to take account of the way that relationships between the United Kingdom and its Overseas Territories had been modernized, in a way that was acceptable to both parties.[40]

C. Action by the General Assembly

73. On 14 December 2006, the General Assembly adopted with a vote of 173 to none, with 4 abstentions, resolutions 61/128 A and B. Section IV of resolution 61/128 B concerns the British Virgin Islands.

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[39] "A Successful Future", Triesman speech, Turks and Caicos Islands (24/04/06), see www.fco.gov.uk/servlet.

[40] Information transmitted by the administering Power, 15 January 2007; see also A/C.4/61/SR.5.